

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
BENJAMIN CUNNINGHAM,
:

Plaintiff,
:

-v-
:

PORT AUTHORITY AGENCY OF NEW JERSEY
STATE AND NEW YORK STATE, et al.,
:

Defendants.
:
-----X

22-CV-6236 (JMF)

DISMISSAL ORDER

JESSE M. FURMAN, United States District Judge:

On November 4, 2019, Plaintiff Benjamin Cunningham, proceeding without counsel, filed this action in the United States District Court for the District of New Jersey. On July 22, 2022, the District of New Jersey transferred the action to this Court on the ground that the events giving rise to Cunningham’s claims arose in this District and that the District of New Jersey did not have personal jurisdiction over one Defendant, the City of New York.

On August 24, 2022, this Court entered an Order requiring Cunningham to show cause, within thirty days — that is, by September 26, 2022 —why the case should not be dismissed pursuant to the filing injunctions entered in *Cunningham v. United States Marshals Serv.*, ECF 1:05-CV-10169, 236 (S.D.N.Y. Aug. 2, 2016) (“*Cunningham I*”), and *Cunningham v. U.S. Dep’t of Justice Agency*, ECF 1:17-CV-7809, 20 (S.D.N.Y. Oct. 10, 2018) (“*Cunningham II*”). See ECF No. 115. Specifically, the Court ordered Cunningham to submit by that date “a declaration explaining why he should be permitted to litigate this action” and cautioned that, “[i]f Cunningham fails” to do so, “or if Cunningham’s declaration does not set forth good cause why

the Court should permit him to proceed with this litigation, the Court will dismiss this action for failure to obtain permission to file this action.” *Id.* at 3.

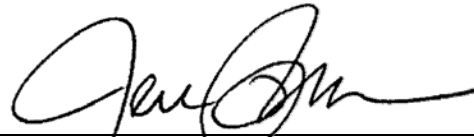
Cunningham failed to file anything by the deadline, let alone show good cause for why he should be permitted to litigate this action despite the filing injunctions entered in *Cunningham I* and *Cunningham II*. Accordingly, the case is hereby DISMISSED.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to terminate all motions as moot, to enter judgment in favor of Defendants, to close the case, and to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: September 28, 2022
New York, New York



JESSE M. FURMAN
United States District Judge